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## WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

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### **School Choice: Private School Choice Programs**

A choice school is a private school that agrees to comply with a variety of statutory requirements in addition to those applied to all private schools in exchange for state-funded tuition vouchers for each eligible student. This Information Memorandum provides a general overview of the statutory requirements for the private school choice programs. This memorandum does not describe the funding process for the private school choice programs nor does it describe the Special Needs Scholarship Program, established by 2015 Wisconsin Act 55 (Act 55), the 2015-17 Biennial Budget Act.

#### **PRIVATE SCHOOL CHOICE PROGRAMS**

There are three private school choice programs (choice programs) operating in Wisconsin: the Milwaukee Parental Choice Program (MPCP); the Racine Parental Choice Program (RPCP); and the statewide Wisconsin Parental Choice Program (WPCP). The statutes governing the choice programs are substantially similar. Therefore, the following description applies to all three programs, except where specifically noted.

#### **SCHOOL PARTICIPATION IN THE CHOICE PROGRAMS**

A choice school is a private school that agrees to comply with the following statutory requirements, in addition to those applicable to private schools generally, in exchange for state-funded tuition vouchers for each eligible student. Student eligibility is discussed below.

##### ***HEALTH, SAFETY, AND ANTIDISCRIMINATION COMPLIANCE***

All health and safety laws or codes that apply to public schools also apply to choice schools, and choice schools must also comply with federal law prohibiting discrimination on the basis of race, color, or national origin. [ss. 118.60 (2) (a) 4.-5. and 119.23 (2) (a) 4.-5., Stats.]

##### ***SCHOOL INTENT TO PARTICIPATE AND AUDITOR FEE***

A choice school, continuing in one or more choice programs or a private school other than a “new private school,” defined below, must notify the Department of Public Instruction (DPI) of its intent to participate in one or more choice programs and the number of students that the school has room to accept.<sup>1</sup> The notice of intent must be submitted along with an auditor fee by January

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<sup>1</sup> A private school may submit a single notice of intent to participate in one or more of the three choice programs at the same time. A private school’s participation in the choice programs is not affected by its location. See the “Notice of School’s Intent to Participate” form, available on the DPI website at:

10 of the school year prior to the school year in which the school intends to participate in a program. [ss. 118.60 (2) (a) 3. and 119.23 (2) (a) 3., Stats.]

### ***SCHOOL BUDGET***

By May 1 of the year before a school's intended first year of participation in a choice program, a school must submit to DPI an anticipated budget for the first fiscal period of participation. The budget must include the school's anticipated total student enrollment, anticipated enrollment of students under the choice program (choice students), estimated revenues and costs, a schedule of anticipated beginning and ending net choice program assets, and a schedule of monthly cash flow requirements. The school must also submit documentation of alternative funding sources to be used in the event that actual enrollments are less than anticipated. [ss. 118.60 (2) (a) 3g. and 119.23 (2) (a) 3g., Stats.]

### ***TUITION AND FEES***

State law prohibits a choice school from charging or receiving any tuition payments for choice students other than the state choice payment if either of the following apply: (1) the student is enrolled in a grade between kindergarten and 8<sup>th</sup> grade; or (2) the student is enrolled in high school (grades 9-12) and the student's family income is 220% of the federal poverty level or less.

State law permits a choice school to charge a choice student tuition in addition to the tuition payment it receives from the state if both of the following apply: (1) the student is enrolled in high school (grades 9-12); and (2) the student's family income is greater than 220% of the federal poverty level. A choice school determines whether it may charge a student tuition based on those criteria, but choice schools must also establish a process for accepting a parental appeal of the tuition decision to the school's governing body.

A choice student may be charged reasonable fees to cover the costs of the following items:

- Personal use items, including uniforms, gym clothes, and towels.
- Social and extracurricular activities that are not necessary to the school's curriculum.
- Musical instruments.
- Meals consumed by students of the choice school.
- High school classes that are not required for graduation and for which no credits toward graduation are given.
- Transportation.
- Before- and after-school child care.

However, a choice school may not prohibit an eligible choice student from attending the school, expel or otherwise discipline the student, or withhold or reduce the student's grades because the student or the student's parent cannot pay or has not paid the fees charged. [ss. 118.60 (3m) and 119.23 (3m), Stats.]

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<http://dpi.wi.gov/sites/default/files/imce/forms/doc/fpcp-109.doc>, which permits a school to notify DPI of its intent to participate in one or more of the choice programs.

### ***HOURS OF INSTRUCTION***

As is required in public schools, a choice school must provide a minimum of 1,050 hours of direct instruction per year for grades 1 through 6 and a minimum of 1,137 hours of direct instruction for grades 7 through 12. [ss. 118.60 (2) (a) 8. and 119.23 (2) (a) 8., Stats.]

### ***STUDENT ASSESSMENTS***

Choice students must take the same assessments required under state and federal law for public school students. Required assessments include: (1) the statewide examination in the 4<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> grades<sup>2</sup>; (2) all examinations required by federal law for public school students; (3) the 3<sup>rd</sup> grade state standardized reading assessment; and (4) the civics exam required for high school graduation.

At parental request, a choice school must excuse a choice student from taking the statewide examinations, except the reading assessment and the civics exam. A choice school must also publish information about the examinations to be administered on its website. [ss. 118.30 (1s)-(2), 118.33 (1m), 118.60 (7) (b) 1., and 119.23 (7) (b) 1., Stats.]

### ***RELIGIOUS ACTIVITY***

A choice school may not require a choice student to participate in religious activities if the student's parent requests in writing that the student be exempt from such activities. [ss. 118.60 (7) (c) and 119.23 (7) (c), Stats.]

### ***STUDENT ACHIEVEMENT STANDARDS***

For continuing eligibility to participate in a choice program, a choice school must annually meet at least one of the following student achievement standards. DPI determines whether the requirement has been satisfied after the school year has ended.

- At least 70% of the students in the choice program advance one grade level each year.
- The school's average attendance rate for choice program students is at least 90%.
- At least 80% of the students in the program demonstrate significant academic progress.
- At least 70% of the students' families meet the school's established parent involvement criteria.

[ss. 118.60 (7) (a) and 119.23 (7) (a), Stats.]

### ***ACCREDITATION***

A private school that is new to the choice program (rather than a "new private school" as discussed below) must obtain preaccreditation from an approved accrediting entity by August 1 before the school's first intended school term of participation in a choice program. The school must apply for accreditation by December 31 of its first year of participation and must obtain

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<sup>2</sup> Instead of administering the statewide examination approved by DPI, a choice school may administer an alternative examination approved by the University of Wisconsin-Madison Value-Added Research Center. [s. 118.301 (3) (c) to (d), Stats.] A choice school must excuse a choice student from taking an alternative examination upon parental request. [s. 118.30 (2) (b) 5. to 6., Stats.]

accreditation by December 31 of its third year of participation. [ss. 118.60 (2) (a) 7. and 119.23 (2) (a) 7., Stats.] Annually, by January 15, the governing body of a choice school must provide DPI with evidence demonstrating that the school remains accredited for the current school year. The governing body must immediately notify DPI of any changes to the choice school's accreditation status. [ss. 118.60 (7) (em) and 119.23 (7) (em), Stats.]

### ***FINANCIAL REQUIREMENTS***

By August 1 before the first school term that a private school participates in a choice program, the school must submit the following items to DPI:

- A copy of the school's current certificate of occupancy.
- Evidence of the school's financial viability.
- Proof that the school's administrator participated in DPI's fiscal management training program.

[ss. 118.60 (7) (d) and 119.23 (7) (d), Stats.]

By November 1 of the first year of participation, all choice schools must submit to DPI an updated budget reflecting student enrollment on the third Friday of September. [ss. 118.60 (7) (ao) and 119.23 (7) (ao), Stats.]

Annually, by October 15 following a school year in which it participates in a choice program, a choice school must submit the following items to DPI:

- An independent financial audit of the school conducted by an independent certified public accountant.
- Evidence of sound fiscal and internal control practices.

[ss. 118.60 (7) (am) and 119.23 (7) (am), Stats.]

### ***ADOPTION OF STANDARDS AND POLICIES***

A choice school must adopt standards and policies relating to the following matters:

- Academic standards in mathematics, science, reading and writing, geography, and history. [ss. 118.30 (1g) (a) 4., 118.60 (7) (b) 2., and 119.23 (7) (b) 2., Stats.]
- The criteria for high school graduation and the granting of a diploma, which must include a student's academic performance; successful completion of the civics exam; and teacher recommendations. [s. 118.33 (1) (f) 2m.-2r., Stats.]
- The criteria for student promotion from 4<sup>th</sup> to 5<sup>th</sup> grade and from 8<sup>th</sup> to 9<sup>th</sup> grade, which must include a student's score on the statewide examination, unless the student was excused; a student's academic performance; teacher recommendations, which must be based only on the student's academic performance; and any other academic criteria specified by the choice school. A student may not be promoted unless the student satisfies the established criteria. [s. 118.33 (6) (c) and (cr), Stats.]
- A policy governing visitors and visits to the school. [ss. 118.60 (7) (b) 2m. and 119.23 (7) (b) 2m., Stats.]

- A plan for maintaining indoor environmental quality in the school. The school must begin implementing the plan no later than the beginning of its second year of participation in a choice program. The choice school must provide a copy of the plan to any person upon request. [ss. 118.60 (7) (g) and 119.23 (7) (g), Stats.]

***PROVISION OF OTHER INFORMATION TO APPLICANTS AND DPI***

A choice school must provide the following information to **applicants**:

- The name, address, and telephone number of the school and the name of one or more contact persons at the school.
- The names of the school's governing body members and the names of the school's shareholders, if any.
- Notice as to whether the school is a for-profit or non-profit organization. If the school is a non-profit organization, it must provide the applicant with a copy of the certificate issued by the IRS verifying the school's federal tax exempt status.
- A copy of the process for appealing the school's rejection of an applicant.
- A copy of the school's policy regarding high school graduation and the granting of a diploma.
- A copy of the school's non-harassment policy along with the procedures for reporting and obtaining relief from harassment.
- A copy of the school's suspension and expulsion policies and procedures, including procedures for appealing a suspension or expulsion.
- A copy of the school's policy regarding the acceptance or denial of credits earned by a student for the satisfactory completion of work at another school.
- A copy of the school's policy regarding visits and visitors.

By August 1 of each year, a choice school must provide the following information to **DPI**:

- All of the information that the school is statutorily obligated to provide to applicants, as described above.
- The number of choice students enrolled in a choice program the previous school year. The school must identify which of those students began participating in a choice program before the 2015-16 school year and which began participating in a choice program during the 2015-16 school year or later.
- The number of students enrolled in the school, but not in the choice program the previous school year.
- Student scores on required standardized tests for each of the previous five school years that the school has participated in a choice program, to the extent permitted by federal law.
- A copy of the academic standards adopted by the school.

Each individual member of the school's governing body must sign a statement verifying the member's role in the school. A choice school must submit the signed statements to DPI. [ss. 118.60 (6m) and 119.23 (6m), Stats.]

### ***STAFF CREDENTIALS***

A choice school teacher must have a teaching license issued by DPI or a bachelor's degree, or a degree or educational credential higher than a bachelor's degree, from a nationally or regionally accredited institution of higher education.<sup>3</sup> A choice school administrator must have a teaching or administrator's license issued by DPI or at least a bachelor's degree from a nationally or regionally accredited institution of higher education. [ss. 118.60 (2) (a) 6. and 119.23 (2) (a) 6., Stats.] A teacher's aide must have at least graduated from high school or obtained an equivalent or higher credential or degree. [ss. 118.60 (7) (b) 3. and 119.23 (7) (b) 3., Stats.]

### ***REQUIRED MEETINGS***

Annually, a choice school must schedule two meetings at which parents, students, and applicants may communicate with members of the school's governing body. The school must notify DPI of its scheduled meeting dates within 30 days after the school year begins and must notify students, parents, and applicants in writing of the meeting date, location, and time at least 30 days before each meeting. [ss. 118.60 (7) (b) 3m. and 119.23 (7) (b) 3m., Stats.]

### ***STUDENT RECORDS***

State law requires that a choice school maintain a choice student's progress records while the student is attending the school and for five years after the student ceases to attend the school. The school must provide the choice student or the student's parent with a copy of the records upon request. If the school closes, it must transfer a student's progress records to the school board for the student's resident school district. Alternatively, if a choice school is affiliated with an organization, the school may transfer a choice student's records to the organization for the required five-year period if the school obtains written consent from the student or the student's parent. The consent form must be signed by the student or the student's parent, must include a declaration from the organization that it will maintain the student's records for at least five years, and must be submitted to DPI. [ss. 118.60 (7) (b) 4.-7. and 119.23 (7) (b) 4.-7., Stats.]

### ***"NEW PRIVATE SCHOOL" PARTICIPATION IN THE CHOICE PROGRAMS***

A "new private school" is a defined term. It is distinct from a private school that is a new participant in a choice program. A private school may be new to a choice program and not be a "new private school." A "new private school" is defined as a private school that: (1) has been open in Wisconsin for less than 12 consecutive months; or (2) has fewer than 40 students enrolled in two or fewer grades.

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<sup>3</sup> There are limited, temporary exceptions for teachers who were employed by a private school before it became a choice school. In some cases, a teacher may obtain a temporary waiver from DPI, conditioned upon the teacher working towards meeting the statutory requirements described above. [ss. 118.60 (2) (a) 6. c.-d. and 119.23 (2) (a) 6. c., Stats.] Further, teachers who teach only courses in rabbinical studies and administrators of choice schools that prepare and train students in rabbinical studies are not required to have bachelor's degrees. [ss. 118.60 (2) (c) and 119.23 (2) (c), Stats.]

A “new private school” is subject to the same requirements as other private schools that are new to a choice program, described above, but they are required to submit certain documentation earlier than such other schools. Specifically, a “new private school” must submit its notice of intent to participate, along with other documents (including an anticipated budget for the first year demonstrating positive cash flow, total student enrollment, and the student achievement standard that the school intends to meet, among other things) by August 1 of the school year before the school’s first intended year of participation. Further, a “new private school” must obtain preaccreditation from an approved preaccrediting entity by December 15 of the school year before its first intended year of participation. DPI must notify the school in writing by December 31 whether it has satisfied the requirements and may participate in a choice program the following school year.

Unlike other schools continuing in a choice program or private schools that are new participants in a choice program, a “new private school” must show, by August 1 of the school’s first year of participation, that it has contracted with a third-party payroll service that will remit state and federal payroll taxes for the school’s employees. [ss. 118.60 (2) (ag) and 119.23 (2) (ag), Stats.]

### **STUDENT ELIGIBILITY FOR THE CHOICE PROGRAMS**

In order to attend a choice school, a student must satisfy certain eligibility requirements, described below, including family income requirements. For all three choice programs, family income eligibility may only be evaluated for the purposes of initial eligibility. After initial verification, a student’s family income will not be reevaluated, and the student may continue participating in the **same** choice program even if the student’s family income rises above the initial eligibility level.

However, a student’s family income eligibility will be reevaluated if a student who attended a choice school under one choice program in the previous school year applies to attend a choice school in a different program for the next school year, with one exception. A student’s family income eligibility will not be reevaluated if the student attended a WPCP choice school in the previous school year and applies to attend a RPCP or MPCP choice school for the next school year. [ss. 118.60 (2) (a) 1. and 119.23 (2) (a) 1., Stats.]

#### ***MILWAUKEE PARENTAL CHOICE PROGRAM***

In order to participate in the MPCP, a student’s family income may be no more than 300% of the federal poverty level for initial eligibility. For initial and continuing eligibility, a student must reside within the City of Milwaukee. [s. 119.23 (2) (a), Stats.]

#### ***RACINE PARENTAL CHOICE PROGRAM***

In order to participate in the RPCP, a student’s family income may be no more than 300% of the federal poverty level for initial eligibility. For initial and continuing eligibility, a student must reside within the Racine Unified School District (RUSD) and must satisfy one of the following prior year attendance requirements:

- The student was enrolled in a RUSD school in the previous school year.
- The student was not enrolled in school in the previous school year.
- The student attended a private school participating in the RPCP or WPCP in the previous school year.

- The student is applying to attend kindergarten, 1<sup>st</sup>, or 9<sup>th</sup> grade in a private school participating in the RPCP.

[s. 118.60 (2) (a), Stats.]

#### ***WISCONSIN PARENTAL CHOICE PROGRAM***

In order to participate in the WPCP, a student's family income may be no more than 185% of the federal poverty level for initial eligibility. For initial and continuing eligibility, a student must reside in a school district other than the RUSD and the school district for the City of Milwaukee, Milwaukee Public Schools (MPS). A student who begins participating in the WPCP in the 2016-17 school year must also satisfy one of the following prior year attendance requirements each year:

- The student was enrolled in a public school in the student's school district of residence the previous school year.
- The student was not enrolled in school in the previous school year.
- The student attended a private school participating in the WPCP or RPCP in the previous school year.
- The student is applying to attend kindergarten, 1<sup>st</sup>, or 9<sup>th</sup> grade in a private school participating in the WPCP.

[s. 118.60 (2) (a) and (bm), Stats.]

#### **STUDENT ENROLLMENT LIMITS**

##### ***MILWAUKEE AND RACINE PARENTAL CHOICE PROGRAMS***

There are no state-established limits on the number or percentage of students who may participate in the MPCP or in the RPCP. Students are only limited by the number of spaces available in choice schools, as determined by each school. [ss. 118.60 (2) (a) 3. and 119.23 (2) (a) 3., Stats.]

##### ***WISCONSIN PARENTAL CHOICE PROGRAM***

For the 2015-16 and 2016-17 schools years, the number of students participating in the WPCP from a particular school district may not exceed 1% of the school district's prior year student membership. Beginning with the 2017-18 school year, the student participation limit will increase by one percentage point each year until the 2025-26 school year when the limit reaches 10% of a district's prior year student membership. Beginning with the 2026-27 school year, no student participation limit will apply. [s. 118.60 (2) (be), Stats.]

#### **STUDENT APPLICATION PROCEDURE**

A student or the student's parent must submit an application to the choice school that the student wishes to attend during the school's open application period, discussed below. A student may apply to more than one school during open application periods. A parent may submit a single form for multiple students within one family. The choice school must notify an applicant, in writing, whether the application has been accepted or denied within 60 days after receiving the application. If an application is denied, the written notice must include a reason for the



denial. A choice school may only reject an application if the school has reached its maximum general capacity or if it has no more seats available for choice students. Students must be accepted on a random basis, except that preference may be given to the following, in the order of preference listed:

1. Students who attended the choice school under the choice program the previous school year.
2. Siblings of students who attended the choice school under the choice program the previous school year.
3. Students who attended a different choice school, in any of the three choice programs, the previous school year.
4. Siblings of students who attended a different choice school, in any of the three choice programs, the previous school year.
5. Siblings of students who have been randomly selected to attend the choice school and who did not attend a choice school the previous school year.

For each year that the WPCP student participation limit applies, as discussed above, DPI must establish a waiting list for student applications received in excess of a school district's participation limit. If an accepted student chooses not to attend a choice school, DPI may fill the available space with a student from the waiting list if doing so would not exceed a school district's student participation limit.

A student who is rejected for lack of available space in any of the choice programs may be admitted to the choice school the following year without resubmitting financial eligibility documentation as long as the student continues to reside within the applicable school district. Further, a student rejected for lack of available space may transfer the application to another choice school within the same choice program that has space available. By the third Friday in September, a student or the student's parent must notify DPI that the student is participating in a choice program. [ss. 118.60 (3) (a) and 119.23 (3) (a), Stats.]

Students must reapply each year, but as discussed above, if the student is a continuing student in a choice program, income documentation need not be submitted after the first year of attendance if the student continues in the same choice program or if the student moves from a WPCP school to a MPCP or RPCP school.

### **CHOICE PROGRAM APPLICATION PERIODS**

Applications for student participation in a choice program must be submitted during a choice school's open application period. Open application periods are established by DPI as follows.

#### **MILWAUKEE AND RACINE PARENTAL CHOICE PROGRAMS**

Schools participating in the MPCP or the RPCP may choose which months it will accept choice applications from a list of open application period options created by DPI. A school must inform DPI of its chosen application periods when it submits its notice of intent to participate. Amendments to the chosen application periods are not permitted after the notice of intent

deadline. After each open application period, the choice school must submit the completed applications to DPI.<sup>4</sup>

### ***WISCONSIN PARENTAL CHOICE PROGRAM***

Schools participating in the WPCP may accept student applications between February 1 and April 20 each year. After the open application period, choice schools must submit the complete applications to DPI. If the number of applicants does not exceed a school district's student participation limit, discussed above, DPI may allow choice schools to accept applications during later, defined periods. [s. 118.60 (3) (ar), Stats.]

### **STUDENTS WITH DISABILITIES**

A choice school may not discriminate against a student with disabilities, including through the admissions process. However, because choice schools are private schools, they are not obligated to provide students with special education or related services. Rather, a school district in which a private school is located is required to provide equitable services to children with disabilities who are placed by their parents in a private school, including a choice school.

A school district must locate, identify, and evaluate all children with disabilities enrolled in choice schools located in the district. A service plan must be prepared for each student that the school district elects to serve. School districts are required to allocate a percentage of their special education funding to services for students who are parentally placed in private schools. The percentage is based on the percentage of students with disabilities who are parentally placed in private schools out of all students with disabilities in the district. A portion of these students are choice students. The school district determines how services will be provided.

The school district must consult with the choice school as to how students with disabilities may meaningfully participate in special education and related services. The consultation must include a discussion of the types of services that will be provided to parentally placed students in the choice school, how special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school students, and how and when those decisions will be made. [34 C.F.R. ss. 300.131-300.134.]

### **STUDENT TRANSPORTATION**

State law does not require a choice school to provide transportation to its students. However, if a choice school chooses to provide transportation for its students, it may charge choice students a reasonable fee to offset the costs as discussed above.

A public school district is generally required to transport private school students to a private school if the following criteria are met:

- The student resides two miles or more from the private school.
- The student resides within the private school's approved attendance area.

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<sup>4</sup> For more information, see the following DPI private school choice program open application information: <http://dpi.wi.gov/sites/default/files/imce/sms/pdf/Open%20Application%20Period%20Dates.pdf>.

- The private school is located within the student’s resident school district or not more than five miles beyond the boundaries of the school district measured along the usually traveled route.

[s. 121.54 (2) (b) 1., Stats.]

Further, a public school district is required to transport certain students with disabilities to private schools if DPI approves a request for transportation, based on whether the student can walk to school with safety and comfort. [s. 121.54 (3), Stats.]

The same requirements apply for the public school district transportation of choice students to choice schools. [ss. 118.60 (6) and 119.23 (6), Stats.]

## **ACCOUNTABILITY AND STUDENT DATA COLLECTION**

### ***SCHOOL ACCOUNTABILITY REPORT***

Beginning with the reports published for the 2015-16 school year, a choice school will be reviewed by and receive an accountability report (“report card”) from DPI. A choice school may submit student achievement data for choice students only or for all students attending the private school. DPI must include the percentage of choice students attending the school in the school’s accountability report. If a choice school submits only choice student achievement data, DPI must give the choice school a score based only on those students. If a choice school submits student achievement data for all of its students, DPI must give the choice school two scores: one based on choice student data labeled as the “choice pupil performance category” and one based on all student data labeled as the “private school performance category.” Annually, a choice school must provide a copy of the school’s accountability report to the parent or guardian of each student. A choice school must also simultaneously provide parents with a list of the educational options within the student’s resident school district. [s. 115.385, Stats.]

### ***STUDENT INFORMATION SYSTEM***

A choice school must input choice student data into the student information system established by DPI, including academic performance and demographic information, aggregated by school district, school, and teacher. Alternatively, a choice school may use a comparable system that is commercially available and compatible with the student identification numbers assigned to all public students, including choice students, by DPI. A choice school is not required to input data about students who are not attending through a choice program. If a choice school chooses to use DPI’s system, it must also input certain data about its teachers. [s. 115.383, Stats.]

## **CONSEQUENCES FOR NONCOMPLIANCE**

### ***PAYMENTS WITHHELD***

DPI may withhold state payment from a private school for any violation of ss. 118.60 and 119.23, Stats., discussed above, or for a violation of the Student Information System requirements under s. 115.383, Stats.

### ***REMOVAL FROM PROGRAM***

The State Superintendent may bar a private school from participating in a choice program during the **current** school year for any of the following reasons:

- Misrepresentation of required information regarding the school's certificate of occupancy, its financial viability, or its administrator's participation in a fiscal management program.
- Failure to provide its notice of intent to participate, its auditor fee, or other required information, including an independent financial audit, its certificate of occupancy, and financial viability, by the date specified by DPI.
- Failure to refund any state overpayment by the date specified by DPI.
- Failure to meet one of the required student achievement standards by the date specified by DPI.
- Failure to provide the information that must be given to applicants and to DPI, as discussed above.
- Failure to comply with specific requirements, including student assessments, adoption of academic standards, adoption of a visitor policy, maintenance of student records, and student participation in religious activities.
- Violation of student records and high school graduation requirements.
- Retaining a "disqualified person" before the end of a seven-year period beginning on the date that the State Superintendent issued an order finding the person disqualified.<sup>5</sup>

The State Superintendent may bar a private school from participating in a choice program in the **following** school year if: (1) the school fails to annually provide DPI with evidence that the school remains accredited; (2) the school's accreditation application is denied by the accrediting entity; or (3) the school does not achieve accreditation within the DPI-required timeframe.

The State Superintendent may **immediately** terminate a choice school's participation in a choice program if the conditions at the school present an imminent threat to the health or safety of students. [ss. 118.60 (10) and 119.23 (10), Stats.]

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Rachel E. Snyder, Staff Attorney, on September 8, 2016.

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<sup>5</sup> A "disqualified person" is a person who: (1) had a controlling ownership interest in, or was the administrator or an officer, director, or trustee of a choice school; (2) was a person designated by the administrator of the [choice] school to assist in processing pupil applications; or (3) was responsible for an action or circumstance that led to the choice school being barred or terminated from participation in a choice program when the State Superintendent barred or terminated a choice school from participating in a choice program. [ss. 118.60 (1) (ag) and 119.23 (1) (ag), Stats.]